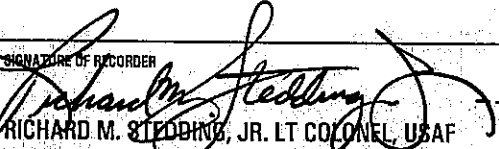
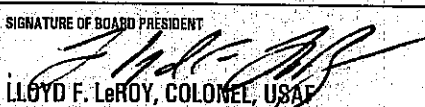


X						
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
COL LLOYD F. LeROY		X				
LT COL STEVEN A. SIMON		X				
LT COL NORMAN L. BURSON		X				
LT COL DAVID A. CHRISTIANSON		X				
LT COL RICHARD M. STEDDING, JR.		X				
ISSUES A94.05		INDEX NUMBER A60.00		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 980901		CASE NUMBER FD97-00183		1	ORDER APPOINTING THE BOARD	
				2	APPLICATION FOR REVIEW OF DISCHARGE	
				3	LETTER OF NOTIFICATION	
				4	BRIEF OF PERSONNEL FILE	
				COUNSEL'S RELEASE TO THE BOARD		
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-454.						
REMARKS						
Case heard at Dobbins, ARB, GA						
The applicant was scheduled for a personal appearance before the Discharge Review Board at Dobbins, ARB GA on September 1, 1998, but did not respond to formal notification of the hearing and failed to appear without requesting a postponement.						
Advise applicant of the decision of the Board.						
SIGNATURE OF RECORDER  RICHARD M. STEDDING, JR. LT COLONEL, USAF				SIGNATURE OF BOARD PRESIDENT  LLOYD F. LeROY, COLONEL, USAF		
INDORSEMENT						DATE 98/09/10
TO: SAF/MDBR 550 C Street West, Suite 40 RANDOLPH AFB, TX 78150-4742				FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3E WING 3rd Floor ANDREWS AFB MD 20331-7002		
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board at Dobbins ARB GA on September 1, 1998, but did not respond to formal notification of the hearing and failed to appear without requesting a postponement.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is approved.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity, which would justify a change of discharge. However, based on the record the Board finds that the applicant's character of discharge is improper.

The applicant's issues are listed in the attached brief.

Issue: In review of the record the Board noted that although respondent had over six years of total service at the time discharge was initiated, the notification of discharge failed to advise him of his right to an Administrative Discharge Board (ADB). Failure to provide the applicant notification of the right to an ADB constituted a failure to provide full due process to the member. Therefore, the Board considered this an impropriety, which justified an upgrade of discharge. The Board however does not condone the misconduct committed by the applicant.

None of the applicant's remaining issues will be addressed herein as their resolution in the applicant's favor could not result in greater relief than is being afforded by the board.

CONCLUSIONS: In view of the foregoing findings the Board concludes, unanimously, that there exists a legal or propriety basis for upgrade of discharge to Honorable, i.e., failure to provide due process. The Board felt an Honorable characterization was indicated under the circumstances.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 95/09/26 UP AFI 36-3208, Para 5.49 (Misconduct). Appeals for HON Disch.
2. BACKGROUND:
 - a. DOB: 72/08/04. Enlmt Age: 17 10/12. Disch Age: 23 2/12. Educ: (RIP) reflects) 12/29. AFQT: 513. AQE: M-92, A-48, G-52, E-83. PAFSC: 2A157 - Electronic Warfare System Apr. DAS: 93/01/18.
 - b. Prior Sv: AFRes 89/08/21 - 90/06/10 (9 Mos 20 Das) (Inactive).
3. SERVICE UNDER REVIEW:
 - a. Enld as A1C for 6 yrs. Svd: 5 Yrs 3 Mos 16 Das, all AMS.
 - b. Grade Status: SRA 92/10/11
 - c. Time Lost: NONE
 - d. Art 15's: (1) 95/08/14, Moody AFB, in viol of UCMJ, Art 86, You did, o/a 95/07/28, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 7257. (Written mitigation). Rdn to A1C, (Susp until 96/02/09), & 30 das extra dy. (No appeal).
 - e. CM: NONE
 - f. Record of Sv:

90/06/11	92/05/06	Carswell AFB	2	(Initial)
92/05/07	92/12/09	Carswell AFB	3	(CRO)
92/12/10	93/12/09	Moody AFB	3	(Annual)
93/12/10	94/12/09	Moody AFB	2	(Annual)
(Dischd fr Moody AFB)				
 - g. Awards & Decs: AFLSA, AFTR, NDSM, SAMR, AFOUA, AFGCM
 - h. Stmt of Sv: TMS: 6 Yrs 1 Mo 6 Das
TAMS: 5 Yrs 3 Mos 16 Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 96/08/16.

(Change Discharge to Honorable)
(Issues Atchd to Examiner's Brief)

ATCHS

Portion of Disch Pkg

Portion of MPR

██████████ County Sheriff's Dept Conviction Rcd

Medical Board Report

97/09/22/drh

Item 8 ISSUE:

I feel that my discharge from the United States Air Force was unjust for the following particulars.

I am a trained and experienced electronics technician. My General Discharge has made it impossible for me to get a job in that area.

I have been forced to take menial and unchallenging jobs not only because of this type of discharge, but also for the impairment that I incurred while on active duty.

I strongly feel that I should have been medically discharged because of my medical condition. Being a burden on society is not the way I choose to go and it is not fair to the able workers.

Additionally, I am unable to use my GI Bill benefits to further myself in my field.

In summary, I request that my discharge be upgraded to Honorable and my benefits restored.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 347TH WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

FD 97-00183

15 SEP 1995

MEMORANDUM FOR SRA [REDACTED]

FROM: 347 MXS/CCQ

SUBJECT: Notification Memorandum - Discharge of Airman

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable, under honorable conditions (general), or under other than honorable conditions. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On or about 7 Aug 94, you did use your [REDACTED] in violation of a lawful order dated 11 Jan 94, by [REDACTED]. You made unauthorized purchases from [REDACTED] and [REDACTED] totaling thirty-nine dollars and ninety two cents (\$39.92). For this offense, you received a Letter of Reprimand (LOR), dated 20 Sep 94, which was placed in an Unfavorable Information File (UIF) (Atch 1a).

b. On or about 18 Sep 94, you failed to go at the time prescribed to your appointed place of duty, to wit: 347 MXS. For this offense, you received an LOR, dated 13 Oct 94, which was placed in a UIF (Atch 1b).

c. Investigation has disclosed that between on or about 21 Apr 95, and on or about 18 May 95, you did knowingly write 10 worthless checks, including five to the [REDACTED], two to [REDACTED] and one to [REDACTED] totaling one hundred eighty-seven dollars and twenty-four cents (\$187.24). For these offenses, you received an LOR, dated 25 May 95, which was placed in a UIF (Atch 1c w/atch).

d. On or about 17 May 95, at your place of duty, [REDACTED] you were derelict in the performance of your duties by failing to follow appropriate technical data while performing critical maintenance to an aircraft. Your negligence could have resulted in the loss of an aircraft and its crew. For this offense, you received an LOR, dated 25 May 95, which was placed in a UIF (Atch 1d).

Global Power for America

e. Investigation has disclosed that between on or about 20 Apr 95, and on or about 6 May 95, you did write 5 worthless checks to local downtown business totaling seventy-four dollars and forty-seven cents (\$74.47). For this offense, you received an LOR, dated 7 Jul 95, which was placed in a UIF (Atch 1e w/atch).

f. On or about 28 Jul 95, without authority, you failed to go at the time prescribed to your appointed place of duty, to wit: building 7257, [REDACTED]. For this offense, you received nonjudicial punishment pursuant to Article 15, UCMJ, dated 10 Aug 95. Punishment included a suspended reduction to airman first class, and 30 days extra duty (Atch 1f).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (SPCM) jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] in Bldg 5109, Room 3, at 1030 hours on 15 Sep 95. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. I will send any statement(s) you submit to the separation authority.
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination. You must report to the [REDACTED] Physical Exams Section, Bldg 3296, at 0730 on 15 Sep 95 for the examination. This is a mandatory appointment. Bring contact lenses or prescription glasses if applicable. If you have a family history of diabetes, please do not eat food fourteen (14) hours prior to this appointment. This is a mandatory appointment.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208, is available for your use in the orderly room.

FD97-00183

8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

Section Commander, 347th Maintenance Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. LOR/UIF, 20 Sep 94
 - b. LOR/UIF, 13 Oct 94
 - c. LOR/UIF, 25 w/atch May 95
 - d. LOR/UIF w/atch, 25 May 95
 - e. LOR/UIF w/atch, 7 Jul 95
 - f. AF FORM 3070, 10 Aug 95
2. Airman's Receipt of Notification Memorandum